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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 CHRISTOPHER KING, et al.,

10 Plaintiffs,

11 v.

12 JUDGE STANLEY J. RUMBAUGH,

13 Defendant.

CASE NO. C17-0031-RSM

REPORT AND RECOMMENDATION

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15 Plaintiff Wally Brown filed a motion to proceed *in forma pauperis* (IFP) on appeal. (Dkt.  
16 38.) However, plaintiff failed to submit the proper IFP form. *See* Fed. R. App. P. 24(a)(1)(A)  
17 (party must submit affidavit showing “in the detail prescribed by Form 4 of the Appendix of Forms  
18 [to the Federal Rules of Appellate Procedure (FRAP)] the party’s inability to pay or to give security  
19 for fees and costs[.]”) He also appeared to indicate on the form submitted that, while he has only  
20 \$250.00 in cash on hand or in checking or savings accounts, his monthly income (\$1,835 in wages  
21 and contribution from his wife, as well as additional income from other sources) exceeds his  
22 monthly expenses (\$964) by an amount sufficient to allow his payment of the filing fee. (Dkt. 38.)

23 By Order dated July 11, 2017, the Court directed plaintiff to submit a completed application

1 to proceed IFP on appeal, and directed the Clerk to send plaintiff a copy of Form 4 of the Appendix  
2 of Forms to the FRAP. (Dkt. 42.) The Order stated the Court was unable to consider plaintiff's  
3 request to proceed IFP on appeal unless he provided, on the proper form, complete and detailed  
4 information as to his financial status and an explanation as to his asserted inability to pay the filing  
5 fee. The Court further advised that failure to complete and return the proper form within twenty  
6 days could result in denial of the application.

7 To date, the Court has not received a response to its Order or a proper IFP application from  
8 plaintiff. Accordingly, the Court recommends the motion to proceed IFP on appeal (Dkt. 38) be  
9 DENIED. The Court further recommends that, pursuant to FRAP 24(a)(4)(A), the Clerk be  
10 directed to notify the parties and the Ninth Circuit Court of Appeals of the denial of the motion to  
11 proceed IFP on appeal.

#### 12 DEADLINE FOR OBJECTIONS

13 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
14 served upon all parties to this suit within **fourteen (14) days** of the date on which this Report and  
15 Recommendation is signed. Failure to file objections within the specified time may affect your  
16 right to appeal. Objections should be noted for consideration on the District Judge's motions  
17 calendar for the third Friday after they are filed. Responses to objections may be filed within  
18 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be  
19 ready for consideration by the District Judge on **September 8, 2017**.

20 DATED this 21st day of August, 2017.

21 

22 Mary Alice Theiler  
23 United States Magistrate Judge